

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re:

Chapter 7

ALFRED PLACERES,

Debtor.

Case No. 15-10691-SMB

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JOSE BORGES,

Plaintiff,

Adversary Proceeding

Case No. 15-01356-SMB

-against-

ALFRED PLACERES,

Defendant.

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SCHEDULING ORDER

The Court held a pre-trial conference in the above-referenced adversary proceeding (the “Adversary Proceeding”) on December 17, 2015, and upon the record of the conference, it is hereby

ORDERED, that Plaintiff Jose Borges, and the above-captioned Defendant, (“Defendant”), shall proceed with discovery in the Adversary Proceeding as follows:

1. Any motion to amend or to join additional parties shall be filed within 60 days from the date of this Order. After such deadline, no further amended pleadings may be filed or additional parties joined except with the leave of the Court.
2. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure (“Civil Rules”), Federal Rules of Bankruptcy Procedure (“Bankruptcy Rules”) and

the Local Rules for the Bankruptcy Court of the Southern District of New York (“Local Bankruptcy Rules”).

3. Initial Disclosures: Plaintiff and Defendant will serve initial disclosures pursuant to Fed. R. Civ. P. 26(a) by no later than December 31, 2015.

4. All fact discovery shall be completed no later than February 1, 2016.

5. Expert discovery:

a. All expert discovery shall be completed no later than March 7, 2016.

i. Plaintiff and Defendant will exchange expert reports, if any, by February 12, 2016.

ii Plaintiff and Defendant will exchange rebuttal reports, if any, by February 22, 2016.

iii Expert depositions will be completed by March 7, 2016.

6. Motions:

a. All motions and applications shall be governed by the Civil Rules, Bankruptcy Rules and Local Bankruptcy Rules, including pre-motion conference requirements.

Pursuant to Fed. R. Civ. P. 16(b)(3), a motion for summary judgment will be deemed untimely unless a request for a pre-motion conference relating thereto (*see* Local

Bankruptcy Rule 7056-1) is made in writing within fourteen (14) days after the close of

expert discovery (*see* paragraph 5(a) hereof). If the Court grants permission to file summary judgment motions, it will set a briefing schedule at that time.

b. Motion papers shall be filed promptly after service. All motions and courtesy copies of motions shall include a table of contents listing all affidavits and exhibits.

Affidavits and exhibits shall be clearly identified by tabs on both the original and courtesy copies. Exhibits shall be marked sequentially such that no exhibit number or letter repeats, regardless of the affidavit to which it is attached. Exhibits for Plaintiff should be marked by numbers; exhibits for Defendant should be marked by letters.

c. **One courtesy copy** ~~Two courtesy copies~~ of all motions papers shall be delivered to chambers as soon as practicable after filing. **[SMB: 1/6/16]**

d. Unless prior permission has been granted, memoranda of law in support of and in opposition to motions are limited to 25 pages, and reply memoranda are limited to 10 pages. All memoranda shall be double-spaced, 12-point font, with 1" margins.

Memoranda of 10 pages or more shall contain a table of contents and a table of authorities.

e. Prior to filing a motion, counsel for the moving party shall contact my Courtroom Deputy, Chantel Greene, to obtain a hearing date for the motion.

7. In the event of any discovery disputes, counsel shall first meet and confer in an effort to resolve the dispute. If counsel are unable to resolve the dispute, counsel for any

party seeking assistance from the Court shall, before filing any discovery motion, arrange a conference call with the Court with all counsel involved in the dispute. The Court will endeavor to resolve the dispute without the filing of any discovery motions.

8. Counsel shall submit a proposed Joint Pretrial ~~Conference~~ Order by April 1, 2016. The proposed Joint Pretrial ~~Conference~~ Order shall be prepared using the form **linked on the Court's website to my Chambers Rules** ~~of order that will be provided to counsel by my Courtroom Deputy or law clerks.~~ [SMB: 1/6/16]

8. 9. This ORDER may not be modified or the dates herein extended, except by further Order of this Court for good cause shown. Any application to modify or extend any deadline established by this Order shall be made in a written application no less than five (5) days prior to the expiration of the date sought to be extended.

10. The final pre-trial Conference with the Court is scheduled for April 12, 2016 at 10:00 a.m. Counsel for both Plaintiff and Defendant are required to appear in person.

11. Failure to comply with this scheduling Order may result in sanctions, including the entry of judgment against the disobedient party.

Dated: New York NY  
January 6, 2016

**/s STUART M. BERNSTEIN**  
Hon. Stuart M. Bernstein  
United States Bankruptcy Judge